

**Introduced by Senator Correa**

December 8, 2008

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An act to amend Sections 28, 4980.02, 4980.03, 4980.35, 4980.38, 4980.40, 4980.43, 4980.44, 4980.50, and 4980.54 of, to amend and repeal Sections 4980.37, 4980.39, 4980.41, 4980.80, and 4980.90 of, and to add Sections 4980.36, 4980.72, 4980.74, 4980.76, and 4980.78 to, the Business and Professions Code, to amend Section 1010 of the Evidence Code, to amend Sections 6924 and 6929 of the Family Code, and to amend Sections 1277 and 123115 of the Health and Safety Code, relating to marriage and family therapy.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 33, as introduced, Correa. Marriage and family therapy: licensure and registration.

Existing law provides for the licensure or registration and regulation of marriage and family therapists and interns by the Board of Behavioral Sciences and requires that applicants for licensure or registration, among other requirements, possess a doctor's or master's degree from a specified school, college, or university, containing no less than 48 semester or 72 quarter units of instruction in specified areas. Existing law requires that the doctor's or master's degree program contain no less than 6 semester or 9 quarter units of supervised practicum, as specified, and requires that the practicum include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups. Existing law also requires the degree program to satisfy certain criteria in order to meet the educational qualifications for licensure.

This bill would limit the application of these requirements to applicants for licensure or registration who begin graduate study before

August 1, 2012, and would impose additional requirements on applicants who do not complete that study on or before December 31, 2018, on applicants who graduate from a degree program that meets those requirements, and on those who begin graduate study on or after August 1, 2012. The bill would require that these applicants, among other things, possess a doctor's or master's degree containing no less than 60 semester or 90 quarter units of instruction in certain areas, including, but not limited to, co-occurring disorders, multicultural development and cross-cultural interaction, and the effects of socioeconomic status on treatment and available resources, as specified. The bill would require that these units include 6 semester or 9 quarter units of practicum that provides training in specified areas and includes a minimum of 225 hours of face-to-face experience counseling individuals, couples, families, or groups. The bill would additionally, with respect to these applicants, revise the requirements needed for the degree program to meet the educational qualifications for licensure, as specified. The bill would make other conforming changes and enact related provisions.

Existing law requires that applicants for licensure have at least 2 years of experience that complies with certain requirements. Among other things, the applicant must have no more than a total of 1,000 hours of experience for direct supervisor contact and professional enrichment activities and no more than 250 hours of postdegree experience administering and evaluating psychological tests, writing clinical reports, writing progress reports, or writing process notes.

This bill would instead require that the applicant have no more than 1,250 hours of experience for specified related professional enrichment activities, including, but not limited to, direct supervisor contact, client centered advocacy, and no more than 250 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress reports, or writing process notes.

Existing law requires that all applicants, trainees, and registrants be at all times under the supervision of a supervisor and requires that supervision include at least one hour of direct supervisor contact, as defined, in each week for which experience is credited in each work setting. Existing law requires that supervised experience be gained by interns either as an employee or as a volunteer.

This bill would revise the definition of one hour of direct supervisor contact and require that this one hour be conducted within the same week as the hours claimed. The bill would require that group supervision be provided in segments lasting no less than one continuous hour and

would authorize an intern working in a governmental entity or a nonprofit and charitable institution, among others, to obtain up to 30 hours of the required weekly direct supervisor contact via videoconferencing, as specified. The bill would also require that, upon application for licensure, employed interns provide the board with copies of the corresponding W-2 tax forms and that volunteering interns provide the board with a letter verifying that volunteer work, as specified.

Existing law authorizes the board to issue a license to a person who has held for at least 2 years a valid license issued by a board of marriage counselor examiners, or corresponding authority of any state, if, among other requirements, the education and supervised experience requirements are substantially equivalent. Existing law requires the board to accept experience gained outside of California toward the licensure requirements if it is substantially equivalent and the applicant has gained a specified number of hours of supervised experience in direct counseling within California while registered with the board as an intern. Existing law also requires the board to accept education gained outside of California toward the licensure requirements if it is substantially equivalent, as specified, and the applicant completes certain coursework or training. If an applicant's education does not contain the content or units required to obtain a license, existing law authorizes the board to accept the applicant's education as substantially equivalent if, among other requirements, the applicant remediates the deficiency by completing the course content or units required to obtain a license.

This bill would instead specify that the applicant remediate the deficiency by completing the content and units required to obtain a license. The bill would also repeal the provisions relating to licenses, experience, and education gained outside California on January 1, 2014, and would revise the requirements applicable to persons applying for a license after that date. Among other things, the bill would revise the requirements needed for a person's education to be substantially equivalent, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 28 of the Business and Professions Code  
2 is amended to read:

1     28. The Legislature finds that there is a need to ensure that  
2 professionals of the healing arts who have demonstrable contact  
3 with child abuse victims, potential child abuse victims, and child  
4 abusers and potential child abusers are provided with adequate  
5 and appropriate training regarding the assessment and reporting  
6 of child abuse which will ameliorate, reduce, and eliminate the  
7 trauma of child abuse and neglect and ensure the reporting of child  
8 abuse in a timely manner to prevent additional occurrences.

9     The Board of Psychology and the Board of Behavioral Sciences  
10 shall establish required training in the area of child abuse  
11 assessment and reporting for all persons applying for initial  
12 licensure and renewal of a license as a psychologist, clinical social  
13 worker, or marriage and family therapist on or after January 1,  
14 1987. This training shall be required one time only for all persons  
15 applying for initial licensure or for licensure renewal on or after  
16 January 1, 1987.

17     All persons applying for initial licensure and renewal of a license  
18 as a psychologist, clinical social worker, or marriage and family  
19 therapist on or after January 1, 1987, shall, in addition to all other  
20 requirements for licensure or renewal, have completed coursework  
21 or training in child abuse assessment and reporting which meets  
22 the requirements of this section, including detailed knowledge of  
23 Section 11165 of the Penal Code. The training shall meet all of  
24 the following requirements:

- 25     (a) Be completed after January 1, 1983.  
26     (b) Be obtained from one of the following sources:  
27       (1) An accredited or approved educational institution, as defined  
28 in Sections ~~2902, 4980.40,~~ 4980.36, 4980.37, and 4996.18,  
29 including extension courses offered by those institutions.  
30       (2) A continuing education provider approved by the responsible  
31 board.  
32       (3) A course sponsored or offered by a professional association  
33 or a local, county, or state department of health or mental health  
34 for continuing education and approved by the responsible board.  
35     (c) Have a minimum of ~~7~~ *seven* contact hours.  
36     (d) Include the study of the assessment and method of reporting  
37 of sexual assault, neglect, severe neglect, general neglect, willful  
38 cruelty or unjustifiable punishment, corporal punishment or injury,  
39 and abuse in out-of-home care. The training shall also include  
40 physical and behavioral indicators of abuse, crisis counseling

1 techniques, community resources, rights and responsibilities of  
2 reporting, consequences of failure to report, caring for a child's  
3 needs after a report is made, sensitivity to previously abused  
4 children and adults, and implications and methods of treatment  
5 for children and adults.

6 (e) An applicant shall provide the appropriate board with  
7 documentation of completion of the required child abuse training.

8 The Board of Psychology and the Board of Behavioral Sciences  
9 shall exempt an applicant who applies for an exemption from the  
10 requirements of this section and who shows to the satisfaction of  
11 the board that there would be no need for the training in his or her  
12 practice because of the nature of that practice.

13 It is the intent of the Legislature that a person licensed as a  
14 psychologist, clinical social worker, or marriage and family  
15 therapist have minimal but appropriate training in the areas of child  
16 abuse assessment and reporting. It is not intended that by solely  
17 complying with the requirements of this section, a practitioner is  
18 fully trained in the subject of treatment of child abuse victims and  
19 abusers.

20 (f) This section shall become operative on January 1, 1997.

21 SEC. 2. Section 4980.02 of the Business and Professions Code  
22 is amended to read:

23 4980.02. For the purposes of this chapter, the practice of  
24 marriage and family therapy shall mean that service performed  
25 with individuals, couples, or groups wherein interpersonal  
26 relationships are examined for the purpose of achieving more  
27 adequate, satisfying, and productive marriage and family  
28 adjustments. This practice includes relationship and premarriage  
29 counseling.

30 The application of marriage and family therapy principles and  
31 methods includes, but is not limited to, the use of applied  
32 ~~psychotherapeutic~~ *psychotherapeutic* techniques, to enable  
33 individuals to mature and grow within marriage and the family,  
34 the provision of explanations and interpretations of the  
35 psychosexual and psychosocial aspects of relationships, and the  
36 use, application, and integration of the coursework and training  
37 required by Sections 4980.36, 4980.37, ~~4980.40~~, and 4980.41, *as*  
38 *applicable*.

39 SEC. 3. Section 4980.03 of the Business and Professions Code  
40 is amended to read:

1 4980.03. (a) “Board,” as used in this chapter, means the Board  
2 of Behavioral Sciences.

3 (b) “Intern,” as used in this chapter, means an unlicensed person  
4 who has earned his or her master’s or doctor’s degree qualifying  
5 him or her for licensure and is registered with the board.

6 (c) “Trainee,” as used in this chapter, means an unlicensed  
7 person who is currently enrolled in a master’s or doctor’s degree  
8 program, as specified in ~~Section 4980.40~~ *Sections 4980.36 and*  
9 *4980.37*, that is designed to qualify him or her for licensure under  
10 this chapter, and who has completed no less than 12 semester units  
11 or 18 quarter units of coursework in any qualifying degree program.

12 (d) “Applicant,” as used in this chapter, means an unlicensed  
13 person who has completed a master’s or doctoral degree program,  
14 as specified in ~~Section 4980.40~~ *Sections 4980.36 and 4980.37*,  
15 and whose application for registration as an intern is pending, or  
16 an unlicensed person who has completed the requirements for  
17 licensure as specified in this chapter, is no longer registered with  
18 the board as an intern, and is currently in the examination process.

19 (e) “Advertise,” as used in this chapter, includes, but is not  
20 limited to, the issuance of any card, sign, or device to any person,  
21 or the causing, permitting, or allowing of any sign or marking on,  
22 or in, any building or structure, or in any newspaper or magazine  
23 or in any directory, or any printed matter whatsoever, with or  
24 without any limiting qualification. It also includes business  
25 solicitations communicated by radio or television broadcasting.  
26 Signs within church buildings or notices in church bulletins mailed  
27 to a congregation shall not be construed as advertising within the  
28 meaning of this chapter.

29 (f) “Experience,” as used in this chapter, means experience in  
30 interpersonal relationships, psychotherapy, marriage and family  
31 therapy, and professional enrichment activities that satisfies the  
32 requirement for licensure as a marriage and family therapist  
33 pursuant to Section 4980.40.

34 (g) “Supervisor,” as used in this chapter, means an individual  
35 who meets all of the following requirements:

36 (1) Has been licensed by a state regulatory agency for at least  
37 two years as a marriage and family therapist, licensed clinical  
38 social worker, licensed psychologist, or licensed physician certified  
39 in psychiatry by the American Board of Psychiatry and Neurology.

40 (2) Has not provided therapeutic services to the trainee or intern.

(3) Has a current and valid license that is not under suspension or probation.

(4) Complies with supervision requirements established by this chapter and by board regulations.

(h) *“Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.*

SEC. 4. Section 4980.35 of the Business and Professions Code is amended to read:

4980.35. (a) The Legislature acknowledges that the basic obligation to provide a complete and accurate application for a marriage and family therapist license lies with the applicant. At the same time, the Legislature recognizes that an effort should be made by the board to ensure that persons who enter degree programs and supervisorial training settings that meet the requirements of this chapter are enabled to discern the requirements for licensing and to take the examination when they have completed their educational and experience requirements.

(b) In order that the board, the educational institutions, and the supervisors who monitor the education and experience of applicants for licensure may develop greater cooperation, the board shall do all of the following:

(1) Apply a portion of its limited resources specifically to the task of communicating information about its activities, the requirements and qualifications for licensure, and the practice of marriage and family therapy to the relevant educational institutions, supervisors, professional associations, applicants, trainees, interns, and the consuming public.

(2) Develop policies and procedures to assist educational institutions in meeting the curricula requirements of ~~Section 4980.40~~ *Sections 4980.36 and 4980.37* and any regulations adopted pursuant to ~~that section~~ *those sections*, so that those educational institutions may better provide assurance to their students that the curriculum offered to fulfill the educational requirements for licensure will meet those requirements at the time of the student’s application for licensure.

(3) Notify applicants in the application procedure when applications are incomplete, inaccurate, or deficient, and inform

1 applicants of any remediation, reconsideration, or appeal  
2 procedures that may be applicable.

3 (4) Undertake, or cause to be undertaken, further comprehensive  
4 review, in consultation with educational institutions, professional  
5 associations, supervisors, interns, and trainees, of the supervision  
6 of interns and trainees, which shall include, but not be limited to,  
7 the following, and shall propose regulations regarding the  
8 supervision of interns and trainees which may include, but not be  
9 limited to, the following:

10 (A) Supervisor qualifications.

11 (B) Continuing education requirements of supervisors.

12 (C) Registration or licensing of supervisors, or both.

13 (D) Responsibilities of supervisors in general.

14 (E) The board's authority in cases of noncompliance or  
15 negligence by supervisors.

16 (F) The intern's and trainee's need for guidance in selecting  
17 well-balanced and high quality professional training opportunities  
18 within his or her community.

19 (G) The role of the supervisor in advising and encouraging his  
20 or her intern or trainee regarding the necessity or value and  
21 appropriateness of the intern or trainee engaging in personal  
22 psychotherapy, so as to enable the intern or trainee to become a  
23 more competent marriage and family therapist.

24 SEC. 5. Section 4980.36 is added to the Business and  
25 Professions Code, to read:

26 4980.36. (a) This section shall apply to the following:

27 (1) Applicants for licensure or registration who begin graduate  
28 study before August 1, 2012, and do not complete that study on  
29 or before December 31, 2018.

30 (2) Applicants for licensure or registration who begin graduate  
31 study before August 1, 2012, and who graduate from a degree  
32 program that meets the requirements of this section.

33 (3) Applicants for licensure or registration who begin graduate  
34 study on or after August 1, 2012.

35 (b) To qualify for a license or registration, applicants shall  
36 possess a doctor's or master's degree meeting the requirements of  
37 this section in marriage, family, and child counseling, marriage  
38 and family therapy, psychology, clinical psychology, counseling  
39 psychology, or counseling with an emphasis in either marriage,  
40 family, and child counseling or marriage and family therapy,



1 obtained from a school, college, or university approved by the  
2 Bureau for Private Postsecondary and Vocational Education or  
3 accredited by either the Commission on the Accreditation of  
4 Marriage and Family Therapy Education or the Western  
5 Association of Schools and Colleges. The board has the authority  
6 to make the final determination as to whether a degree meets all  
7 requirements, including, but not limited to, course requirements,  
8 regardless of accreditation or approval.

9 (c) A doctor's or master's degree program that qualifies for  
10 licensure or registration shall do the following:

11 (1) Integrate all of the following throughout its curriculum:

12 (A) Marriage and family therapy principles.

13 (B) The principles of mental health recovery-oriented care and  
14 methods of service delivery in recovery-oriented practice  
15 environments, among others.

16 (C) An understanding of various cultures and the social and  
17 psychological implications of socioeconomic position, and an  
18 understanding of how poverty and social stress impact an  
19 individual's mental health and recovery.

20 (2) Allow for innovation and individuality in the education of  
21 marriage and family therapists.

22 (3) Encourage students to develop the personal qualities that  
23 are intimately related to effective practice, including, but not  
24 limited to, integrity, sensitivity, flexibility, insight, compassion,  
25 and personal presence.

26 (4) Permit an emphasis or specialization that may address any  
27 one or more of the unique and complex array of human problems,  
28 symptoms, and needs of Californians served by marriage and  
29 family therapists.

30 (5) Provide students with the opportunity to meet with various  
31 consumers and family members of consumers of mental health  
32 services to enhance understanding of their experience of mental  
33 illness, treatment, and recovery.

34 (d) The degree described in subdivision (b) shall contain no less  
35 than 60 semester or 90 quarter units of instruction that includes,  
36 but is not limited to, the following requirements:

37 (1) Both of the following:

38 (A) No less than 12 semester or 18 quarter units of coursework  
39 in theories, principles, and methods of a variety of  
40 psychotherapeutic orientations directly related to marriage and

1 family therapy and marital and family systems approaches to  
2 treatment and how these theories can be applied therapeutically  
3 with individuals, couples, families, adults, children, adolescents,  
4 and groups to improve, restore, or maintain healthy relationships.

5 (B) Practicum that involves direct client contact, as follows:

6 (i) A minimum of six semester or nine quarter units of practicum  
7 in a supervised clinical placement that provides supervised  
8 fieldwork experience.

9 (ii) A minimum of 225 hours of face-to-face experience  
10 counseling individuals, couples, families, or groups. Up to 75 of  
11 those hours may be gained performing client centered advocacy,  
12 as defined in Section 4980.03.

13 (iii) A student must be enrolled in a practicum course while  
14 counseling clients.

15 (iv) The practicum shall provide training in all of the following  
16 areas:

17 (I) Applied use of theory and psychotherapeutic techniques.

18 (II) Assessment, diagnosis, and prognosis.

19 (III) Treatment of individuals and premarital, couple, family,  
20 and child relationships, including trauma and abuse, dysfunctions,  
21 healthy functioning, health promotion, illness prevention, and  
22 working with families.

23 (IV) Professional writing, including documentation of services,  
24 treatment plans, and progress notes.

25 (V) How to connect people with resources that deliver the  
26 quality of services and support needed in the community.

27 (v) Educational institutions are encouraged to design the  
28 practicum required by this subparagraph to include marriage and  
29 family therapy experience in low-income and multicultural mental  
30 health settings.

31 (2) Instruction in all of the following:

32 (A) Diagnosis, assessment, prognosis, and treatment of mental  
33 disorders, including severe mental disorders, evidence-based  
34 practices, psychological testing, psychopharmacology, and  
35 promising mental health practices that are evaluated in peer  
36 reviewed literature.

37 (B) Developmental issues from infancy to old age, including  
38 instruction in all of the following areas:

39 (i) The effects of developmental issues on individuals, couples,  
40 and family relationships.

1 (ii) The psychological, psychotherapeutic, and health  
2 implications of developmental issues and their effects.

3 (iii) Aging and its biological, social, cognitive, and  
4 psychological aspects.

5 (iv) A variety of cultural understandings of human development.

6 (v) The understanding of human behavior within the social  
7 context of socioeconomic status and other contextual issues  
8 affecting social position.

9 (vi) The understanding of human behavior within the social  
10 context of a representative variety of the cultures found within  
11 California.

12 (vii) The understanding of the impact that personal and social  
13 insecurity, social stress, low educational levels, inadequate housing,  
14 and malnutrition have on human development.

15 (C) The broad range of matters and life events that may arise  
16 within marriage and family relationships and within a variety of  
17 California cultures, including instruction in all of the following:

18 (i) Child abuse assessment and reporting.

19 (ii) Spousal or partner abuse assessment, detection, intervention  
20 strategies, and same-gender abuse dynamics.

21 (iii) Cultural factors relevant to abuse of partners and family  
22 members.

23 (iv) Childbirth, child rearing, parenting, and stepparenting.

24 (v) Marriage, divorce, and blended families.

25 (vi) Long-term care.

26 (vii) End of life and grief.

27 (viii) Poverty and deprivation.

28 (ix) Financial and social stress.

29 (x) Effects of trauma.

30 (xi) The psychological, psychotherapeutic, community, and  
31 health implications of the matters and life events described in  
32 clauses (i) to (x), inclusive.

33 (D) Cultural competency and sensitivity, including a familiarity  
34 with the racial, cultural, linguistic, and ethnic backgrounds of  
35 persons living in California.

36 (E) Multicultural development and cross-cultural interaction,  
37 including experiences of race, ethnicity, class, spirituality, sexual  
38 orientation, gender, and disability, and their incorporation into the  
39 psychotherapeutic process.

- 1 (F) The effects of socioeconomic status on treatment and  
2 available resources.
- 3 (G) Resilience, including the personal and community qualities  
4 that enable persons to cope with adversity, trauma, tragedy, threats,  
5 or other stresses.
- 6 (H) Human sexuality, including the study of physiological,  
7 psychological, and social cultural variables associated with sexual  
8 behavior and gender identity, and the assessment and treatment of  
9 psychosexual dysfunction.
- 10 (I) Substance use disorders, co-occurring disorders, and  
11 addiction, including, but not limited to, instruction in all of the  
12 following:
- 13 (i) The definition of substance use disorders, co-occurring  
14 disorders, and addiction. For purposes of this subparagraph,  
15 “co-occurring disorders” means a mental illness and substance  
16 abuse diagnosis occurring simultaneously in an individual.
- 17 (ii) Medical aspects of substance use disorders and co-occurring  
18 disorders.
- 19 (iii) The effects of psychoactive drug use.
- 20 (iv) Current theories of the etiology of substance abuse and  
21 addiction.
- 22 (v) The role of persons and systems that support or compound  
23 substance abuse and addiction.
- 24 (vi) Major approaches to identification, evaluation, and treatment  
25 of substance use disorders, co-occurring disorders, and addiction,  
26 including, but not limited to, best practices.
- 27 (vii) Legal aspects of substance abuse.
- 28 (viii) Populations at risk with regard to substance use disorders  
29 and co-occurring disorders.
- 30 (ix) Community resources offering screening, assessment,  
31 treatment, and followup for the affected person and family.
- 32 (x) Recognition of substance use disorders, co-occurring  
33 disorders, and addiction, and appropriate referral.
- 34 (xi) The prevention of substance use disorders and addiction.
- 35 (J) California law and professional ethics for marriage and  
36 family therapists, including instruction in all of the following areas  
37 of study:
- 38 (i) Contemporary professional ethics and statutory, regulatory,  
39 and decisional laws that delineate the scope of practice of marriage  
40 and family therapy.

1 (ii) The therapeutic, clinical, and practical considerations  
2 involved in the legal and ethical practice of marriage and family  
3 therapy, including, but not limited to, family law.

4 (iii) The current legal patterns and trends in the mental health  
5 professions.

6 (iv) The psychotherapist-patient privilege, confidentiality, the  
7 patient dangerous to self or others, and the treatment of minors  
8 with and without parental consent.

9 (v) A recognition and exploration of the relationship between  
10 a practitioner's sense of self and human values and his or her  
11 professional behavior and ethics.

12 (vi) Differences in legal and ethical standards for different types  
13 of work settings.

14 (vii) Licensing law and licensing process.

15 (e) The degree described in subdivision (b) shall, in addition to  
16 meeting the requirements of subdivision (d), include instruction  
17 in case management, systems of care for the severely mentally ill,  
18 public and private services and supports available for the severely  
19 mentally ill, community resources for persons with mental illness  
20 and for victims of abuse, disaster and trauma response, advocacy  
21 for the severely mentally ill, and collaborative treatment. This  
22 instruction may be provided either in credit level coursework or  
23 through extension programs offered by the degree-granting  
24 institution.

25 (f) The changes made to law by this section are intended to  
26 improve the educational qualifications for licensure in order to  
27 better prepare future licentiates for practice, and are not intended  
28 to expand or restrict the scope of practice for marriage and family  
29 therapists.

30 SEC. 6. Section 4980.37 of the Business and Professions Code  
31 is amended to read:

32 4980.37. (a) *This section shall apply to applicants for licensure*  
33 *or registration who begin graduate study before August 1, 2012,*  
34 *and complete that study on or before December 31, 2018. Those*  
35 *applicants may alternatively qualify under paragraph (2) of*  
36 *subdivision (a) of Section 4980.36.*

37 (b) *To qualify for a license or registration, applicants shall*  
38 *possess a doctor's or master's degree in marriage, family, and*  
39 *child counseling, marriage and family therapy, psychology, clinical*  
40 *psychology, counseling psychology, or counseling with an emphasis*

1 *in either marriage, family, and child counseling or marriage and*  
2 *family therapy, obtained from a school, college, or university*  
3 *accredited by the Western Association of Schools and Colleges or*  
4 *approved by the Bureau for Private Postsecondary and Vocational*  
5 *Education. The board has the authority to make the final*  
6 *determination as to whether a degree meets all requirements,*  
7 *including, but not limited to, course requirements, regardless of*  
8 *accreditation or approval. In order to qualify for licensure*  
9 *pursuant to this section, a doctor's or master's degree program*  
10 *shall be a single, integrated program primarily designed to train*  
11 *marriage and family therapists and shall contain no less than 48*  
12 *semester or 72 quarter units of instruction. This instruction shall*  
13 *include no less than 12 semester units or 18 quarter units of*  
14 *coursework in the areas of marriage, family, and child counseling,*  
15 *and marital and family systems approaches to treatment. The*  
16 *coursework shall include all of the following areas:*

17 *(1) The salient theories of a variety of psychotherapeutic*  
18 *orientations directly related to marriage and family therapy, and*  
19 *marital and family systems approaches to treatment.*

20 *(2) Theories of marriage and family therapy and how they can*  
21 *be utilized in order to intervene therapeutically with couples,*  
22 *families, adults, children, and groups.*

23 *(3) Developmental issues and life events from infancy to old*  
24 *age and their effect on individuals, couples, and family*  
25 *relationships. This may include coursework that focuses on specific*  
26 *family life events and the psychological, psychotherapeutic, and*  
27 *health implications that arise within couples and families,*  
28 *including, but not limited to, childbirth, child rearing, childhood,*  
29 *adolescence, adulthood, marriage, divorce, blended families,*  
30 *stepparenting, and geropsychology.*

31 *(4) A variety of approaches to the treatment of children.*

32 *The board shall, by regulation, set forth the subjects of*  
33 *instruction required in this subdivision.*

34 *(c) (1) In addition to the 12 semester or 18 quarter units of*  
35 *coursework specified in subdivision (b), the doctor's or master's*  
36 *degree program shall contain not less than six semester or nine*  
37 *quarter units of supervised practicum in applied psychotherapeutic*  
38 *technique, assessments, diagnosis, prognosis, and treatment of*  
39 *premarital, couple, family, and child relationships, including*  
40 *dysfunctions, healthy functioning, health promotion, and illness*

1 *prevention, in a supervised clinical placement that provides*  
2 *supervised fieldwork experience within the scope of practice of a*  
3 *marriage and family therapist.*

4 (2) *For applicants who enrolled in a degree program on or after*  
5 *January 1, 1995, the practicum shall include a minimum of 150*  
6 *hours of face-to-face experience counseling individuals, couples,*  
7 *families, or groups.*

8 (3) *The practicum hours shall be considered as part of the 48*  
9 *semester or 72 quarter unit requirement.*

10 (d) *As an alternative to meeting the qualifications specified in*  
11 *subdivision (b), the board shall accept as equivalent degrees those*  
12 *master's or doctor's degrees granted by educational institutions*  
13 *whose degree program is approved by the Commission on*  
14 *Accreditation for Marriage and Family Therapy Education.*

15 (e) *In order to provide an integrated course of study and*  
16 *appropriate professional training, while allowing for innovation*  
17 *and individuality in the education of marriage and family therapists,*  
18 *a degree program—~~which~~ that meets the educational qualifications*  
19 *for licensure or registration under this section shall ~~include~~ do all*  
20 *of the following:*

21 (1) *Provide an integrated course of study that trains students*  
22 *generally in the diagnosis, assessment, prognosis, and treatment*  
23 *of mental disorders.*

24 (2) *Prepare students to be familiar with the broad range of*  
25 *matters that may arise within marriage and family relationships.*

26 (3) *Train students specifically in the application of marriage*  
27 *and family relationship counseling principles and methods.*

28 (4) *Encourage students to develop those personal qualities that*  
29 *are intimately related to the counseling situation such as integrity,*  
30 *sensitivity, flexibility, insight, compassion, and personal presence.*

31 (5) *Teach students a variety of effective psychotherapeutic*  
32 *techniques and modalities that may be utilized to improve, restore,*  
33 *or maintain healthy individual, couple, and family relationships.*

34 (6) *Permit an emphasis or specialization that may address any*  
35 *one or more of the unique and complex array of human problems,*  
36 *symptoms, and needs of Californians served by marriage and*  
37 *family therapists.*

38 (7) *Prepare students to be familiar with—~~crosscultural~~*  
39 *cross-cultural* *mores and values, including a familiarity with the*  
40 *wide range of racial and ethnic backgrounds common among*

1 California's population, including, but not limited to, Blacks,  
2 Hispanics, Asians, and Native Americans.

3 ~~(b)~~

4 (f) Educational institutions are encouraged to design the  
5 practicum required by ~~subdivision (b) of Section 4980.40~~ *this*  
6 *section* to include marriage and family therapy experience in  
7 low-income and multicultural mental health settings.

8 (g) *This section shall remain in effect only until January 1, 2019,*  
9 *and as of that date is repealed, unless a later enacted statute, that*  
10 *is enacted before January 1, 2019, deletes or extends that date.*

11 SEC. 7. Section 4980.38 of the Business and Professions Code  
12 is amended to read:

13 4980.38. (a) Each educational institution preparing applicants  
14 to qualify for *registration or licensure* shall notify each of its  
15 students by means of its public documents or otherwise in writing  
16 that its degree program is designed to meet the requirements of  
17 ~~Sections Section 4980.36 or 4980.37 and 4980.40~~, and shall certify  
18 to the board that it has so notified its students.

19 ~~(b) In addition to all of the other requirements for licensure,~~  
20 ~~each~~ *An applicant for registration or licensure* shall submit to the  
21 board a certification by the ~~chief academic officer, or his or her~~  
22 ~~designee, of the applicant's educational institution that the applicant~~  
23 ~~has fulfilled the requirements enumerated in Sections 4980.37 and~~  
24 ~~4980.40, and subdivisions (d) and (e) of Section 4980.41.~~  
25 *institution's required curriculum for graduation and any associated*  
26 *coursework completed by the applicant does one of the following:*

27 (1) *Meets all of the requirements set forth in Section 4980.36.*

28 (2) *Meets all of the requirements set forth in Section 4980.37*  
29 *and paragraphs (4) and (5) of subdivision (a) of Section 4980.41.*

30 SEC. 8. Section 4980.39 of the Business and Professions Code  
31 is amended to read:

32 4980.39. (a) ~~Any~~ *An applicant for licensure as a marriage and*  
33 ~~family therapist who began graduate study on or after January 1,~~  
34 ~~2004, whose education qualifies him or her under Section 4980.37~~  
35 shall complete, as a condition of licensure, a minimum of 10  
36 contact hours of coursework in aging and long-term care, which  
37 ~~could~~ *may* include, but is not limited to, the biological, social, and  
38 psychological aspects of aging.

39 (b) Coursework taken in fulfillment of other educational  
40 requirements for licensure pursuant to this chapter, or in a separate



1 course of study, may, at the discretion of the board, fulfill the  
2 requirements of this section.

3 (c) In order to satisfy the coursework requirement of this section,  
4 the applicant shall submit to the board a certification from the chief  
5 academic officer of the educational institution from which the  
6 applicant graduated stating that the coursework required by this  
7 section is included within the institution's required curriculum for  
8 graduation, or within the coursework, that was completed by the  
9 applicant.

10 (d) The board shall not issue a license to the applicant until the  
11 applicant has met the requirements of this section.

12 (e) *This section shall remain in effect only until January 1, 2019,*  
13 *and as of that date is repealed, unless a later enacted statute, that*  
14 *is enacted before January 1, 2019, deletes or extends that date.*

15 SEC. 9. Section 4980.40 of the Business and Professions Code  
16 is amended to read:

17 4980.40. To qualify for a license, an applicant shall have all  
18 of the following qualifications:

19 ~~(a) Applicants shall possess a doctor's or master's degree in~~  
20 ~~marriage, family, and child counseling, marital and family therapy,~~  
21 ~~psychology, clinical psychology, counseling psychology, or~~  
22 ~~counseling with an emphasis in either marriage, family, and child~~  
23 ~~counseling or marriage and family therapy, obtained from a school,~~  
24 ~~college, or university accredited by the Western Association of~~  
25 ~~Schools and Colleges, or approved by the Bureau for Private~~  
26 ~~Postsecondary and Vocational Education. The board has the~~  
27 ~~authority to make the final determination as to whether a degree~~  
28 ~~meets all requirements, including, but not limited to, course~~  
29 ~~requirements, regardless of accreditation or approval. In order to~~  
30 ~~qualify for licensure pursuant to this subdivision, a doctor's or~~  
31 ~~master's degree program shall be a single, integrated program~~  
32 ~~primarily designed to train marriage and family therapists and shall~~  
33 ~~contain no less than 48 semester or 72 quarter units of instruction.~~  
34 ~~The instruction shall include no less than 12 semester units or 18~~  
35 ~~quarter units of coursework in the areas of marriage, family, and~~  
36 ~~child counseling, and marital and family systems approaches to~~  
37 ~~treatment. Meet the educational requirements of Section 4980.36~~  
38 ~~or both 4980.37 and 4980.41, as applicable.~~

39 ~~The coursework shall include all of the following areas:~~

1     ~~(1) The salient theories of a variety of psychotherapeutic~~  
2     ~~orientations directly related to marriage and family therapy, and~~  
3     ~~marital and family systems approaches to treatment.~~

4     ~~(2) Theories of marriage and family therapy and how they can~~  
5     ~~be utilized in order to intervene therapeutically with couples,~~  
6     ~~families, adults, children, and groups.~~

7     ~~(3) Developmental issues and life events from infancy to old~~  
8     ~~age and their effect upon individuals, couples, and family~~  
9     ~~relationships. This may include coursework that focuses on specific~~  
10    ~~family life events and the psychological, psychotherapeutic, and~~  
11    ~~health implications that arise within couples and families,~~  
12    ~~including, but not limited to, childbirth, child-rearing, childhood,~~  
13    ~~adolescence, adulthood, marriage, divorce, blended families,~~  
14    ~~stepparenting, and geropsychology.~~

15    ~~(4) A variety of approaches to the treatment of children.~~

16    ~~The board shall, by regulation, set forth the subjects of instruction~~  
17    ~~required in this subdivision.~~

18    ~~(b) (1) In addition to the 12 semester or 18 quarter units of~~  
19    ~~coursework specified above, the doctor's or master's degree~~  
20    ~~program shall contain not less than six semester or nine quarter~~  
21    ~~units of supervised practicum in applied psychotherapeutic~~  
22    ~~techniques, assessment, diagnosis, prognosis, and treatment of~~  
23    ~~premarital, couple, family, and child relationships, including~~  
24    ~~dysfunctions, healthy functioning, health promotion, and illness~~  
25    ~~prevention, in a supervised clinical placement that provides~~  
26    ~~supervised fieldwork experience within the scope of practice of a~~  
27    ~~marriage and family therapist.~~

28    ~~(2) For applicants who enrolled in a degree program on or after~~  
29    ~~January 1, 1995, the practicum shall include a minimum of 150~~  
30    ~~hours of face-to-face experience counseling individuals, couples,~~  
31    ~~families, or groups.~~

32    ~~(3) The practicum hours shall be considered as part of the 48~~  
33    ~~semester or 72 quarter unit requirement.~~

34    ~~(c) As an alternative to meeting the qualifications specified in~~  
35    ~~subdivision (a), the board shall accept as equivalent degrees, those~~  
36    ~~master's or doctor's degrees granted by educational institutions~~  
37    ~~whose degree program is approved by the Commission on~~  
38    ~~Accreditation for Marriage and Family Therapy Education.~~

39    ~~(d) All applicants shall, in addition, complete the coursework~~  
40    ~~or training specified in Section 4980.41.~~

~~(e) All applicants shall be~~

~~(b) Be at least 18 years of age.~~

~~(f) All applicants shall have~~

~~(c) Have at least two years of experience that meet the requirements of Section 4980.43.~~

~~(g) The applicant shall pass~~

~~(d) Pass a board administered written or oral examination or both types of examinations, except that an applicant who passed a written examination and who has not taken and passed an oral examination shall instead be required to take and pass a clinical vignette written examination.~~

~~(h) The applicant shall not~~

~~(e) Not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.~~

~~(i) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.~~

SEC. 10. Section 4980.41 of the Business and Professions Code is amended to read:

4980.41. ~~All applicants~~ (a) *An applicant for licensure whose education qualifies him or her under Section 4980.37 shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (g) (d) of Section 4980.40:*

~~(a)~~

(1) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists,

1 which shall include, but not be limited to, the following areas of  
2 study:

3 ~~(1)~~

4 (A) Contemporary professional ethics and statutory, regulatory,  
5 and decisional laws that delineate the profession's scope of  
6 practice.

7 ~~(2)~~

8 (B) The therapeutic, clinical, and practical considerations  
9 involved in the legal and ethical practice of marriage and family  
10 therapy, including family law.

11 ~~(3)~~

12 (C) The current legal patterns and trends in the mental health  
13 profession.

14 ~~(4)~~

15 (D) The ~~psychotherapist/patient~~ *psychotherapist-patient*  
16 privilege, confidentiality, the patient dangerous to self or others,  
17 and the treatment of minors with and without parental consent.

18 ~~(5)~~

19 (E) A recognition and exploration of the relationship between  
20 a practitioner's sense of self and human values and his or her  
21 professional behavior and ethics.

22 This course may be considered as part of the 48 semester or 72  
23 quarter unit requirements contained in Section ~~4980.40~~ 4980.37.

24 ~~(b)~~

25 (2) A minimum of seven contact hours of training or coursework  
26 in child abuse assessment and reporting as specified in Section 28  
27 and any regulations promulgated thereunder.

28 ~~(c)~~

29 (3) A minimum of 10 contact hours of training or coursework  
30 in human sexuality as specified in Section 25, and any regulations  
31 promulgated thereunder. When coursework in a master's or  
32 doctor's degree program is acquired to satisfy this requirement, it  
33 shall be considered as part of the 48 semester or 72 quarter unit  
34 requirement contained in Section ~~4980.40~~ 4980.37.

35 ~~(d)~~

36 (4) For persons who began graduate study on or after January  
37 1, 1986, a master's or doctor's degree qualifying for licensure shall  
38 include specific instruction in alcoholism and other chemical  
39 substance dependency as specified by regulation. When coursework  
40 in a master's or doctor's degree program is acquired to satisfy this

1 requirement, it shall be considered as part of the 48 semester or  
2 72 quarter unit requirement contained in Section ~~4980.40~~ 4980.37.

3 ~~(e)~~

4 (5) For persons who began graduate study during the period  
5 commencing on January 1, 1995, and ending on December 31,  
6 2003, a master's or doctor's degree qualifying for licensure shall  
7 include coursework in spousal or partner abuse assessment,  
8 detection, and intervention. For persons who began graduate study  
9 on or after January 1, 2004, a master's or doctor's degree qualifying  
10 for licensure shall include a minimum of 15 contact hours of  
11 coursework in spousal or partner abuse assessment, detection, and  
12 intervention strategies, including knowledge of community  
13 resources, cultural factors, and same gender abuse dynamics.  
14 Coursework required under this ~~subdivision~~ *paragraph* may be  
15 satisfactory if taken either in fulfillment of other educational  
16 requirements for licensure or in a separate course. The requirement  
17 for coursework shall be satisfied by, and the board shall accept in  
18 satisfaction of the requirement, a certification from the chief  
19 academic officer of the educational institution from which the  
20 applicant graduated that the required coursework is included within  
21 the institution's required curriculum for graduation.

22 ~~(f)~~

23 (6) For persons who began graduate study on or after January  
24 1, 2001, an applicant shall complete a minimum of a two semester  
25 or three quarter unit survey course in psychological testing. When  
26 coursework in a master's or doctor's degree program is acquired  
27 to satisfy this requirement, it may be considered as part of the 48  
28 semester or 72 quarter unit requirement of Section ~~4980.40~~  
29 4980.37.

30 ~~(g)~~

31 (7) For persons who began graduate study on or after January  
32 1, 2001, an applicant shall complete a minimum of a two semester  
33 or three quarter unit survey course in psychopharmacology. When  
34 coursework in a master's or doctor's degree program is acquired  
35 to satisfy this requirement, it may be considered as part of the 48  
36 semester or 72 quarter unit requirement of Section ~~4980.40~~  
37 4980.37.

38 ~~(h)~~

39 (8) The requirements added by ~~subdivisions (f) and (g)~~  
40 *paragraphs (6) and (7)* are intended to improve the educational

1 qualifications for licensure in order to better prepare future  
2 licentiates for practice; and are not intended in any way to expand  
3 or restrict the scope of ~~licensure~~ *practice* for marriage and family  
4 therapists.

5 *(b) This section shall remain in effect only until January 1, 2019,*  
6 *and as of that date is repealed, unless a later enacted statute, that*  
7 *is enacted before January 1, 2019, deletes or extends that date.*

8 SEC. 11. Section 4980.43 of the Business and Professions  
9 Code is amended to read:

10 4980.43. (a) Prior to applying for licensure examinations, each  
11 applicant shall complete experience that shall comply with the  
12 following:

13 (1) A minimum of 3,000 hours completed during a period of at  
14 least 104 weeks.

15 (2) Not more than 40 hours in any seven consecutive days.

16 (3) Not less than 1,700 hours of supervised experience  
17 completed subsequent to the granting of the qualifying master's  
18 or doctor's degree.

19 (4) Not more than 1,300 hours of experience obtained prior to  
20 completing a master's or doctor's degree. This experience shall  
21 be composed as follows:

22 (A) Not more than 750 hours of counseling and direct supervisor  
23 contact.

24 (B) Not more than 250 hours of professional enrichment  
25 activities, excluding personal psychotherapy as described in  
26 paragraph (2) of subdivision (I).

27 (C) Not more than 100 hours of personal psychotherapy as  
28 described in paragraph (2) of subdivision (I). The applicant shall  
29 be credited for three hours of experience for each hour of personal  
30 psychotherapy.

31 (5) No hours of experience may be gained prior to completing  
32 either 12 semester units or 18 quarter units of graduate instruction  
33 and becoming a trainee except for personal psychotherapy.

34 (6) No hours of experience gained more than six years prior to  
35 the date the application for licensure was filed, except that up to  
36 500 hours of clinical experience gained in the supervised practicum  
37 required by subdivision ~~(b)~~ (c) of Section ~~4980.40~~ 4980.37 and  
38 *subparagraph (B) of paragraph (1) of subdivision (d) of Section*  
39 *4980.36* shall be exempt from this six-year requirement.

(7) Not more than a total of ~~1,000~~ 1,250 hours of experience for ~~direct supervisor contact and~~ *related* professional enrichment activities, as follows:

~~(8)~~

(A) Not more than ~~500~~ 250 hours of experience providing group therapy or group counseling professional enrichment activities, as defined in paragraph (1) of subdivision (l).

~~(9)~~

(B) Not more than 250 hours of ~~postdegree~~ experience administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes.

(C) *Direct supervisor contact.*

(D) *Client centered advocacy.*

(E) *Personal psychotherapy.*

~~(8)~~ Not more than 500 hours of experience providing group therapy or group counseling.

~~(10)~~

(9) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

~~(11)~~

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

~~(12)~~

(11) Not more than 125 hours of experience providing personal psychotherapy services via telemedicine in accordance with Section 2290.5.

(b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

1     (1) *If employed, an intern shall provide the board with copies*  
2     *of the corresponding W-2 tax forms for each year of experience*  
3     *claimed upon application for licensure.*

4     (2) *If volunteering, an intern shall provide the board with a*  
5     *letter from his or her employer verifying the intern's employment*  
6     *as a volunteer upon application for licensure.*

7     (c) Supervision shall include at least one hour of direct  
8     supervisor contact in each week for which experience is credited  
9     in each work setting, as specified:

10    (1) A trainee shall receive an average of at least one hour of  
11    direct supervisor contact for every five hours of client contact in  
12    each setting.

13    (2) Each individual supervised after being granted a qualifying  
14    degree shall receive an average of at least one hour of direct  
15    supervisor contact for every 10 hours of client contact in each  
16    setting in which experience is gained.

17    (3) For purposes of this section, "one hour of direct supervisor  
18    contact" means one hour *per week* of face-to-face contact on an  
19    individual basis or two hours *per week* of face-to-face contact in  
20    a group of not more than eight persons.

21    (4) *Direct supervisor contact shall occur within the same week*  
22    *as the hours claimed.*

23    (5) *Direct supervisor contact provided in a group shall be*  
24    *provided in a group of not more than eight supervises and in*  
25    *segments lasting no less than one continuous hour.*

26    (6) *An intern working in a governmental entity, a school, a*  
27    *college, or a university, or an institution that is both nonprofit and*  
28    *charitable may obtain up to 30 hours of the required weekly direct*  
29    *supervisor contact via two-way, real-time videoconferencing. The*  
30    *supervisor shall be responsible for ensuring that client*  
31    *confidentiality is upheld.*

32    ~~(4)~~

33    (7) All experience gained by a trainee shall be monitored by the  
34    supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios  
35    specified in this subdivision shall be applicable to all hours gained  
36    on or after January 1, 1995.

37    (d) (1) A trainee may be credited with supervised experience  
38    completed in any setting that meets all of the following:

39    (A) Lawfully and regularly provides mental health counseling  
40    or psychotherapy.



1 (B) Provides oversight to ensure that the trainee's work at the  
2 setting meets the experience and supervision requirements set forth  
3 in this chapter and is within the scope of practice for the profession  
4 as defined in Section 4980.02.

5 (C) Is not a private practice owned by a licensed marriage and  
6 family therapist, a licensed psychologist, a licensed clinical social  
7 worker, a licensed physician and surgeon, or a professional  
8 corporation of any of those licensed professions.

9 (2) Experience may be gained by the trainee solely as part of  
10 the position for which the trainee volunteers or is employed.

11 (e) (1) An intern may be credited with supervised experience  
12 completed in any setting that meets both of the following:

13 (A) Lawfully and regularly provides mental health counseling  
14 or psychotherapy.

15 (B) Provides oversight to ensure that the intern's work at the  
16 setting meets the experience and supervision requirements set forth  
17 in this chapter and is within the scope of practice for the profession  
18 as defined in Section 4980.02.

19 (2) An applicant shall not be employed or volunteer in a private  
20 practice, as defined in subparagraph (C) of paragraph (1) of  
21 subdivision (d), until registered as an intern.

22 (3) While an intern may be either a paid employee or a  
23 volunteer, employers are encouraged to provide fair remuneration  
24 to interns.

25 (4) Except for periods of time during a supervisor's vacation or  
26 sick leave, an intern who is employed or volunteering in private  
27 practice shall be under the direct supervision of a licensee that has  
28 satisfied the requirements of subdivision (g) of Section 4980.03.  
29 The supervising licensee shall either be employed by and practice  
30 at the same site as the intern's employer, or shall be an owner or  
31 shareholder of the private practice. Alternative supervision may  
32 be arranged during a supervisor's vacation or sick leave if the  
33 supervision meets the requirements of this section.

34 (5) Experience may be gained by the intern solely as part of the  
35 position for which the intern volunteers or is employed.

36 (f) Except as provided in subdivision (g), all persons shall  
37 register with the board as an intern in order to be credited for  
38 postdegree hours of supervised experience gained toward licensure.

39 (g) Except when employed in a private practice setting, all  
40 postdegree hours of experience shall be credited toward licensure

1 so long as the applicant applies for the intern registration within  
2 90 days of the granting of the qualifying master's or doctor's  
3 degree and is thereafter granted the intern registration by the board.

4 (h) Trainees, interns, and applicants shall not receive any  
5 remuneration from patients or clients, and shall only be paid by  
6 their employers.

7 (i) Trainees, interns, and applicants shall only perform services  
8 at the place where their employers regularly conduct business,  
9 which may include performing services at other locations, so long  
10 as the services are performed under the direction and control of  
11 their employer and supervisor, and in compliance with the laws  
12 and regulations pertaining to supervision. Trainees and interns  
13 shall have no proprietary interest in their employers' businesses  
14 and shall not lease or rent space, pay for furnishings, equipment  
15 or supplies, or in any other way pay for the obligations of their  
16 employers.

17 (j) Trainees, interns, or applicants who provide volunteered  
18 services or other services, and who receive no more than a total,  
19 from all work settings, of five hundred dollars (\$500) per month  
20 as reimbursement for expenses actually incurred by those trainees,  
21 interns, or applicants for services rendered in any lawful work  
22 setting other than a private practice shall be considered an  
23 employee and not an independent contractor. The board may audit  
24 applicants who receive reimbursement for expenses, and the  
25 applicants shall have the burden of demonstrating that the payments  
26 received were for reimbursement of expenses actually incurred.

27 (k) Each educational institution preparing applicants for  
28 licensure pursuant to this chapter shall consider requiring, and  
29 shall encourage, its students to undergo individual, marital or  
30 conjoint, family, or group counseling or psychotherapy, as  
31 appropriate. Each supervisor shall consider, advise, and encourage  
32 his or her interns and trainees regarding the advisability of  
33 undertaking individual, marital or conjoint, family, or group  
34 counseling or psychotherapy, as appropriate. Insofar as it is deemed  
35 appropriate and is desired by the applicant, the educational  
36 institution and supervisors are encouraged to assist the applicant  
37 in locating that counseling or psychotherapy at a reasonable cost.

38 (l) For purposes of this chapter, "professional enrichment  
39 activities" includes the following:

(1) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant's supervisor.

(2) Participation by the applicant in personal psychotherapy which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.

SEC. 12. Section 4980.44 of the Business and Professions Code is amended to read:

4980.44. An unlicensed marriage and family therapist intern employed under this chapter shall comply with the following requirements:

(a) Possess, at a minimum, a master's degree as specified in Section ~~4980.40~~ 4980.36 or 4980.37, as applicable.

(b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (e) of Section 4980.43.

(c) Inform each client or patient prior to performing any professional services that he or she is unlicensed and under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

SEC. 13. Section 4980.50 of the Business and Professions Code is amended to read:

4980.50. (a) Every applicant who meets the educational and experience requirements and applies for a license as a marriage and family therapist shall be examined by the board. The examinations shall be as set forth in subdivision ~~(g)~~ (d) of Section 4980.40. The examinations shall be given at least twice a year at a time and place and under supervision as the board may determine. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The board shall not deny any applicant, who has submitted a complete application for examination, admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(c) The board shall not deny any applicant, whose application for licensure is complete, admission to the standard written

1 examination, nor shall the board postpone or delay any applicant's  
2 standard written examination or delay informing the candidate of  
3 the results of the standard written examination, solely upon the  
4 receipt by the board of a complaint alleging acts or conduct that  
5 would constitute grounds to deny licensure.

6 (d) If an applicant for examination who has passed the standard  
7 written examination is the subject of a complaint or is under board  
8 investigation for acts or conduct that, if proven to be true, would  
9 constitute grounds for the board to deny licensure, the board shall  
10 permit the applicant to take the clinical vignette written  
11 examination for licensure, but may withhold the results of the  
12 examination or notify the applicant that licensure will not be  
13 granted pending completion of the investigation.

14 (e) Notwithstanding Section 135, the board may deny any  
15 applicant who has previously failed either the standard written or  
16 clinical vignette written examination permission to retake either  
17 examination pending completion of the investigation of any  
18 complaints against the applicant. Nothing in this section shall  
19 prohibit the board from denying an applicant admission to any  
20 examination, withholding the results, or refusing to issue a license  
21 to any applicant when an accusation or statement of issues has  
22 been filed against the applicant pursuant to Sections 11503 and  
23 11504 of the Government Code, respectively, or the applicant has  
24 been denied in accordance with subdivision (b) of Section 485.

25 (f) Notwithstanding any other provision of law, the board may  
26 destroy all examination materials two years following the date of  
27 an examination.

28 (g) On or after January 1, 2002, no applicant shall be eligible  
29 to participate in a clinical vignette written examination if his or  
30 her passing score on the standard written examination occurred  
31 more than seven years before.

32 (h) An applicant who has qualified pursuant to this chapter shall  
33 be issued a license as a marriage and family therapist in the form  
34 that the board may deem appropriate.

35 SEC. 14. Section 4980.54 of the Business and Professions  
36 Code is amended to read:

37 4980.54. (a) The Legislature recognizes that the education and  
38 experience requirements in this chapter constitute only minimal  
39 requirements to assure that an applicant is prepared and qualified  
40 to take the licensure examinations as specified in subdivision ~~(g)~~

1 (d) of Section 4980.40 and, if he or she passes those examinations,  
2 to begin practice.

3 (b) In order to continuously improve the competence of licensed  
4 marriage and family therapists and as a model for all  
5 psychotherapeutic professions, the Legislature encourages all  
6 licensees to regularly engage in continuing education related to  
7 the profession or scope of practice as defined in this chapter.

8 (c) Except as provided in subdivision (e), the board shall not  
9 renew any license pursuant to this chapter unless the applicant  
10 certifies to the board, on a form prescribed by the board, that he  
11 or she has completed not less than 36 hours of approved continuing  
12 education in or relevant to the field of marriage and family therapy  
13 in the preceding two years, as determined by the board.

14 (d) The board shall have the right to audit the records of any  
15 applicant to verify the completion of the continuing education  
16 requirement. Applicants shall maintain records of completion of  
17 required continuing education coursework for a minimum of two  
18 years and shall make these records available to the board for  
19 auditing purposes upon request.

20 (e) The board may establish exceptions from the continuing  
21 education requirements of this section for good cause, as defined  
22 by the board.

23 (f) The continuing education shall be obtained from one of the  
24 following sources:

25 (1) An accredited school or state-approved school that meets  
26 the requirements set forth in ~~Section 4980.40~~ 4980.36 or 4980.37.  
27 Nothing in this paragraph shall be construed as requiring  
28 coursework to be offered as part of a regular degree program.

29 (2) Other continuing education providers, including, but not  
30 limited to, a professional marriage and family therapist association,  
31 a licensed health facility, a governmental entity, a continuing  
32 education unit of an accredited four-year institution of higher  
33 learning, or a mental health professional association, approved by  
34 the board.

35 (g) The board shall establish, by regulation, a procedure for  
36 approving providers of continuing education courses, and all  
37 providers of continuing education, as described in paragraphs (1)  
38 and (2) of subdivision (f), shall adhere to procedures established  
39 by the board. The board may revoke or deny the right of a provider  
40 to offer continuing education coursework pursuant to this section

1 for failure to comply with the requirements of this section or any  
2 regulation adopted pursuant to this section.

3 (h) Training, education, and coursework by approved providers  
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the  
6 understanding or the practice of marriage and family therapy.

7 (2) Aspects of the discipline of marriage and family therapy in  
8 which significant recent developments have occurred.

9 (3) Aspects of other disciplines that enhance the understanding  
10 or the practice of marriage and family therapy.

11 (i) A system of continuing education for licensed marriage and  
12 family therapists shall include courses directly related to the  
13 diagnosis, assessment, and treatment of the client population being  
14 served.

15 (j) The board shall, by regulation, fund the administration of  
16 this section through continuing education provider fees to be  
17 deposited in the Behavioral Sciences Fund. The fees related to the  
18 administration of this section shall be sufficient to meet, but shall  
19 not exceed, the costs of administering the corresponding provisions  
20 of this section. For purposes of this subdivision, a provider of  
21 continuing education as described in paragraph (1) of subdivision  
22 (f) shall be deemed to be an approved provider.

23 (k) The continuing education requirements of this section shall  
24 comply fully with the guidelines for mandatory continuing  
25 education established by the Department of Consumer Affairs  
26 pursuant to Section 166.

27 SEC. 15. Section 4980.72 is added to the Business and  
28 Professions Code, to read:

29 4980.72. (a) This section applies to persons who are licensed  
30 outside of California and apply for licensure on or after January  
31 1, 2014.

32 (b) The board may issue a license to a person who, at the time  
33 of submitting an application for a license pursuant to this chapter,  
34 holds a valid license issued by a board of marriage counselor  
35 examiners, board of marriage and family therapists, or  
36 corresponding authority, of any state or country, if all of the  
37 following conditions are satisfied:

38 (1) The applicant's education is substantially equivalent, as  
39 defined in Section 4980.78. The applicant's degree title need not  
40 be identical to that required by Section 4980.36 or 4980.37.

1 (2) The applicant complies with Section 4980.76, if applicable.

2 (3) The applicant's supervised experience is substantially  
3 equivalent to that required for a license under this chapter. The  
4 board shall consider hours of experience obtained outside of  
5 California during the six-year period immediately preceding the  
6 date the applicant initially obtained the license described above.

7 (4) The applicant passes the examinations required to obtain a  
8 license under this chapter.

9 SEC. 16. Section 4980.74 is added to the Business and  
10 Professions Code, to read:

11 4980.74. (a) This section applies to persons who apply for  
12 licensure or registration on or after January 1, 2014, and who do  
13 not hold a license as described in Section 4980.72.

14 (b) The board shall accept education gained while residing  
15 outside of California for purposes of satisfying licensure or  
16 registration requirements if the education is substantially  
17 equivalent, as defined in Section 4980.78, and the applicant  
18 complies with Section 4980.76, if applicable. The applicant's  
19 degree title need not be identical to that required by Section  
20 4980.36 or 4980.37.

21 (c) The board shall accept experience gained outside of  
22 California for purposes of satisfying licensure or registration  
23 requirements if the experience is substantially equivalent to that  
24 required by this chapter.

25 SEC. 17. Section 4980.76 is added to the Business and  
26 Professions Code, to read:

27 4980.76. An applicant for licensure or registration with a degree  
28 obtained from an educational institution outside the United States  
29 shall provide the board with a comprehensive evaluation of the  
30 degree performed by a foreign credential evaluation service that  
31 is a member of the National Association of Credential Evaluation  
32 Services (NACES), and shall provide any other documentation  
33 the board deems necessary.

34 SEC. 18. Section 4980.78 is added to the Business and  
35 Professions Code, to read:

36 4980.78. (a) This section applies to persons who apply for  
37 licensure or registration on or after January 1, 2014.

38 (b) For purposes of Sections 4980.72 and 4980.74, education  
39 is substantially equivalent if all of the following requirements are  
40 met:

(1) The degree is obtained from a school, college, or university accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency recognized by the United States Department of Education and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling.

(B) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant completes any units and course content requirements under subdivision (d) of Section 4980.36 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (I) of paragraph (2) of subdivision (d) of Section 4980.36.

(4) The applicant completes a course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, the Health Insurance Portability and Accountability Act, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy,



standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and licensing process.

(5) The applicant's degree title need not be identical to that required by subdivision (b) of Section 4980.36.

SEC. 19. Section 4980.80 of the Business and Professions Code is amended to read:

4980.80. (a) *This section applies to persons who apply for licensure between January 1, 2010, and December 31, 2013, inclusive.*

(b) The board may issue a license to a person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter, *the person complies with Section 4980.76, if applicable*, and the person successfully completes the board administered licensing examinations as specified by subdivision ~~(g)~~ (d) of Section 4980.40 and pays the fees specified. Issuance of the license is further conditioned upon the person's completion of the following coursework or training:

~~(a)-(1)~~

(1) (A) An applicant who completed a two semester or three quarter unit course in law and professional ethics for marriage, and family therapists that included areas of study as specified in Section 4980.41 as part of his or her qualifying degree shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, the following subjects: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, requirements of the Health Insurance Portability and Accountability Act of 1996, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to patients.

~~(2)~~

(B) An applicant who has not completed a two semester or three quarter unit course in law and professional ethics for marriage and

1 family therapists that included areas of study as specified in Section  
2 4980.41 as part of his or her qualifying degree, shall complete a  
3 two semester or three quarter unit course in California law and  
4 professional ethics that includes, at minimum, the areas of study  
5 specified in Section 4980.41.

6 ~~(b)~~

7 (2) A minimum of seven contact hours of training or coursework  
8 in child abuse assessment and reporting as specified in Section 28  
9 and any regulations promulgated thereunder.

10 ~~(c)~~

11 (3) A minimum of 10 contact hours of training or coursework  
12 in human sexuality as specified in Section 25 and any regulations  
13 promulgated thereunder.

14 ~~(d)~~

15 (4) A minimum of 15 contact hours of training or coursework  
16 in alcoholism and other chemical substance dependency as  
17 specified by regulation.

18 ~~(e)-(f)~~

19 (5) (A) Instruction in spousal or partner abuse assessment,  
20 detection, and intervention. This instruction may be taken either  
21 in fulfillment of other requirements for licensure or in a separate  
22 course.

23 ~~(2)~~

24 ~~(B) On and after January 1, 2004, a~~ A minimum of 15 contact  
25 hours of coursework or training in spousal or partner abuse  
26 assessment, detection, and intervention strategies.

27 ~~(f)~~

28 ~~(6) On and after January 1, 2003, a~~ A minimum of a two  
29 semester or three quarter unit survey course in psychological  
30 testing. This course may be taken either in fulfillment of other  
31 requirements for licensure or in a separate course.

32 ~~(g)~~

33 ~~(7) On and after January 1, 2003, a~~ A minimum of a two  
34 semester or three quarter unit survey course in  
35 psychopharmacology. This course may be taken either in  
36 fulfillment of other requirements for licensure or in a separate  
37 course.

38 ~~(h)~~

39 (8) With respect to human sexuality, alcoholism and other  
40 chemical substance dependency, spousal or partner abuse

1 assessment, detection, and intervention, psychological testing, and  
2 psychopharmacology, the board may accept training or coursework  
3 acquired out of state.

4 *(c) This section shall remain in effect only until January 1, 2014,*  
5 *and as of that date is repealed, unless a later enacted statute, that*  
6 *is enacted before January 1, 2014, deletes or extends that date.*

7 SEC. 20. Section 4980.90 of the Business and Professions  
8 Code is amended to read:

9 4980.90. (a) *This section applies to persons who apply for*  
10 *licensure between January 1, 2010, and December 31, 2013,*  
11 *inclusive.*

12 (b) Experience gained outside of California shall be accepted  
13 toward the licensure requirements if it is substantially equivalent  
14 to that required by this chapter, *if the applicant complies with*  
15 *Section 4980.76, if applicable,* and if the applicant has gained a  
16 minimum of 250 hours of supervised experience in direct  
17 counseling within California while registered as an intern with the  
18 board. The board shall consider hours of experience obtained in  
19 another state during the six-year period immediately preceding the  
20 applicant's initial licensure by that state as a marriage and family  
21 therapist.

22 ~~(b)~~

23 (c) Education gained while residing outside of California shall  
24 be accepted toward the licensure requirements if it is substantially  
25 equivalent to the education requirements of this chapter, and if the  
26 applicant has completed all of the following:

27 (1) A two semester or three quarter unit course in California  
28 law and professional ethics for marriage, family, and child  
29 counselors that shall include areas of study as specified in Section  
30 4980.41.

31 (2) A minimum of seven contact hours of training or coursework  
32 in child abuse assessment and reporting as specified in Section 28  
33 and any regulations promulgated thereunder.

34 (3) A minimum of 10 contact hours of training or coursework  
35 in sexuality as specified in Section 25 and any regulations  
36 promulgated thereunder.

37 (4) A minimum of 15 contact hours of training or coursework  
38 in alcoholism and other chemical substance dependency as  
39 specified by regulation.

1 (5) (A) Instruction in spousal or partner abuse assessment,  
2 detection, and intervention. This instruction may be taken either  
3 in fulfillment of other educational requirements for licensure or  
4 in a separate course.

5 (B) ~~On and after January 1, 2004, a~~ A minimum of 15 contact  
6 hours of coursework or training in spousal or partner abuse  
7 assessment, detection, and intervention strategies.

8 (6) ~~On and after January 1, 2003, a~~ A minimum of a two  
9 semester or three quarter unit survey course in psychological  
10 testing. This course may be taken either in fulfillment of other  
11 requirements for licensure or in a separate course.

12 (7) ~~On and after January 1, 2003, a~~ A minimum of a two  
13 semester or three quarter unit survey course in  
14 psychopharmacology. This course may be taken either in  
15 fulfillment of other requirements for licensure or in a separate  
16 course.

17 (8) With respect to human sexuality, alcoholism and other  
18 chemical substance dependency, spousal or partner abuse  
19 assessment, detection, and intervention, psychological testing, and  
20 psychopharmacology, the board may accept training or coursework  
21 acquired out of state.

22 (e)

23 (d) For purposes of this section, the board may, in its discretion,  
24 accept education as substantially equivalent if the applicant meets  
25 both of the following requirements:

26 (1) The applicant has been granted a degree in a single integrated  
27 program primarily designed to train marriage and family therapists.

28 (2) The applicant's education meets the requirements of ~~Sections~~  
29 ~~Section 4980.37 and 4980.40~~. The degree title need not be identical  
30 ~~to those that~~ required by subdivision ~~(a)~~ (b) of ~~Section 4980.40~~  
31 ~~4980.37~~. If the applicant's degree does not contain the content  
32 ~~required by Section 4980.37 or the overall number of units required~~  
33 ~~by subdivision (a) of Section 4980.40~~ 4980.37, the board may, in  
34 its discretion, accept the applicant's education as substantially  
35 equivalent if the following criteria are satisfied:

36 (A) The applicant's degree contains the required number of  
37 practicum units and coursework required in the areas of marriage,  
38 family, and child counseling and marital and family systems  
39 approaches to treatment as specified in ~~Section 4980.40~~ 4980.37.

1 (B) The applicant remediates his or her specific deficiency by  
2 completing the course content ~~required by Section 4980.37 or and~~  
3 ~~the units required by subdivision (a) of Section 4980.40~~ 4980.37.

4 (C) The applicant's degree otherwise complies with this section.

5 *(e) This section shall remain in effect only until January 1, 2014,*  
6 *and as of that date is repealed, unless a later enacted statute, that*  
7 *is enacted before January 1, 2014, deletes or extends that date.*

8 SEC. 21. Section 1010 of the Evidence Code is amended to  
9 read:

10 1010. As used in this article, "psychotherapist" means a person  
11 who is, or is reasonably believed by the patient to be:

12 (a) A person authorized to practice medicine in any state or  
13 nation who devotes, or is reasonably believed by the patient to  
14 devote, a substantial portion of his or her time to the practice of  
15 psychiatry.

16 (b) A person licensed as a psychologist under Chapter 6.6  
17 (commencing with Section 2900) of Division 2 of the Business  
18 and Professions Code.

19 (c) A person licensed as a clinical social worker under Article  
20 4 (commencing with Section 4996) of Chapter 14 of Division 2  
21 of the Business and Professions Code, when he or she is engaged  
22 in applied psychotherapy of a nonmedical nature.

23 (d) A person who is serving as a school psychologist and holds  
24 a credential authorizing that service issued by the state.

25 (e) A person licensed as a marriage and family therapist under  
26 Chapter 13 (commencing with Section 4980) of Division 2 of the  
27 Business and Professions Code.

28 (f) A person registered as a psychological assistant who is under  
29 the supervision of a licensed psychologist or board certified  
30 psychiatrist as required by Section 2913 of the Business and  
31 Professions Code, or a person registered as a marriage and family  
32 therapist intern who is under the supervision of a licensed marriage  
33 and family therapist, a licensed clinical social worker, a licensed  
34 psychologist, or a licensed physician certified in psychiatry, as  
35 specified in Section 4980.44 of the Business and Professions Code.

36 (g) A person registered as an associate clinical social worker  
37 who is under the supervision of a licensed clinical social worker,  
38 a licensed psychologist, or a board certified psychiatrist as required  
39 by Section 4996.20 or 4996.21 of the Business and Professions  
40 Code.

1 (h) A person exempt from the Psychology Licensing Law  
2 pursuant to subdivision (d) of Section 2909 of the Business and  
3 Professions Code who is under the supervision of a licensed  
4 psychologist or board certified psychiatrist.

5 (i) A psychological intern as defined in Section 2911 of the  
6 Business and Professions Code who is under the supervision of a  
7 licensed psychologist or board certified psychiatrist.

8 (j) A trainee, as defined in subdivision (c) of Section 4980.03  
9 of the Business and Professions Code, who is fulfilling his or her  
10 supervised practicum required by *subparagraph (B) of paragraph*  
11 *(1) of subdivision (b) (d) of Section 4980.40 4980.36 of, or*  
12 *subdivision (c) of Section 4980.37 of*, the Business and Professions  
13 Code and is supervised by a licensed psychologist, board certified  
14 psychiatrist, a licensed clinical social worker, or a licensed marriage  
15 and family therapist.

16 (k) A person licensed as a registered nurse pursuant to Chapter  
17 6 (commencing with Section 2700) of Division 2 of the Business  
18 and Professions Code, who possesses a master's degree in  
19 psychiatric-mental health nursing and is listed as a  
20 psychiatric-mental health nurse by the Board of Registered  
21 Nursing.

22 (l) An advanced practice registered nurse who is certified as a  
23 clinical nurse specialist pursuant to Article 9 (commencing with  
24 Section 2838) of Chapter 6 of Division 2 of the Business and  
25 Professions Code and who participates in expert clinical practice  
26 in the specialty of psychiatric-mental health nursing.

27 (m) A person rendering mental health treatment or counseling  
28 services as authorized pursuant to Section 6924 of the Family  
29 Code.

30 SEC. 22. Section 6924 of the Family Code is amended to read:

31 6924. (a) As used in this section:

32 (1) "Mental health treatment or counseling services" means the  
33 provision of mental health treatment or counseling on an outpatient  
34 basis by any of the following:

35 (A) A governmental agency.

36 (B) A person or agency having a contract with a governmental  
37 agency to provide the services.

38 (C) An agency that receives funding from community united  
39 funds.

40 (D) A runaway house or crisis resolution center.

1 (E) A professional person, as defined in paragraph (2).

2 (2) “Professional person” means any of the following:

3 (A) A person designated as a mental health professional in  
4 Sections 622 to 626, inclusive, of Article 8 of Subchapter 3 of  
5 Chapter 1 of Title 9 of the California Code of Regulations.

6 (B) A marriage and family therapist as defined in Chapter 13  
7 (commencing with Section 4980) of Division 2 of the Business  
8 and Professions Code.

9 (C) A licensed educational psychologist as defined in Article 5  
10 (commencing with Section 4986) of Chapter 13 of Division 2 of  
11 the Business and Professions Code.

12 (D) A credentialed school psychologist as described in Section  
13 49424 of the Education Code.

14 (E) A clinical psychologist as defined in Section 1316.5 of the  
15 Health and Safety Code.

16 (F) The chief administrator of an agency referred to in paragraph  
17 (1) or (3).

18 (G) A marriage and family therapist registered intern, as defined  
19 in Chapter 13 (commencing with Section 4980) of Division 2 of  
20 the Business and Professions Code, while working under the  
21 supervision of a licensed professional specified in subdivision-(f)  
22 (g) of Section-4980.40 4980.03 of the Business and Professions  
23 Code.

24 (3) “Residential shelter services” means any of the following:

25 (A) The provision of residential and other support services to  
26 minors on a temporary or emergency basis in a facility that services  
27 only minors by a governmental agency, a person or agency having  
28 a contract with a governmental agency to provide these services,  
29 an agency that receives funding from community funds, or a  
30 licensed community care facility or crisis resolution center.

31 (B) The provision of other support services on a temporary or  
32 emergency basis by any professional person as defined in paragraph  
33 (2).

34 (b) A minor who is 12 years of age or older may consent to  
35 mental health treatment or counseling on an outpatient basis, or  
36 to residential shelter services, if both of the following requirements  
37 are satisfied:

38 (1) The minor, in the opinion of the attending professional  
39 person, is mature enough to participate intelligently in the  
40 outpatient services or residential shelter services.

1 (2) The minor (A) would present a danger of serious physical  
2 or mental harm to self or to others without the mental health  
3 treatment or counseling or residential shelter services, or (B) is  
4 the alleged victim of incest or child abuse.

5 (c) A professional person offering residential shelter services,  
6 whether as an individual or as a representative of an entity specified  
7 in paragraph (3) of subdivision (a), shall make his or her best  
8 efforts to notify the parent or guardian of the provision of services.

9 (d) The mental health treatment or counseling of a minor  
10 authorized by this section shall include involvement of the minor's  
11 parent or guardian unless, in the opinion of the professional person  
12 who is treating or counseling the minor, the involvement would  
13 be inappropriate. The professional person who is treating or  
14 counseling the minor shall state in the client record whether and  
15 when the person attempted to contact the minor's parent or  
16 guardian, and whether the attempt to contact was successful or  
17 unsuccessful, or the reason why, in the professional person's  
18 opinion, it would be inappropriate to contact the minor's parent  
19 or guardian.

20 (e) The minor's parents or guardian are not liable for payment  
21 for mental health treatment or counseling services provided  
22 pursuant to this section unless the parent or guardian participates  
23 in the mental health treatment or counseling, and then only for  
24 services rendered with the participation of the parent or guardian.  
25 The minor's parents or guardian are not liable for payment for any  
26 residential shelter services provided pursuant to this section unless  
27 the parent or guardian consented to the provision of those services.

28 (f) This section does not authorize a minor to receive convulsive  
29 therapy or psychosurgery as defined in subdivisions (f) and (g) of  
30 Section 5325 of the Welfare and Institutions Code, or psychotropic  
31 drugs without the consent of the minor's parent or guardian.

32 SEC. 23. Section 6929 of the Family Code is amended to read:

33 6929. (a) As used in this section:

34 (1) "Counseling" means the provision of counseling services  
35 by a provider under a contract with the state or a county to provide  
36 alcohol or drug abuse counseling services pursuant to Part 2  
37 (commencing with Section 5600) of Division 5 of the Welfare and  
38 Institutions Code or pursuant to Division 10.5 (commencing with  
39 Section 11750) of the Health and Safety Code.



1 (2) “Drug or alcohol” includes, but is not limited to, any  
2 substance listed in any of the following:

3 (A) Section 380 or 381 of the Penal Code.

4 (B) Division 10 (commencing with Section 11000) of the Health  
5 and Safety Code.

6 (C) Subdivision (f) of Section 647 of the Penal Code.

7 (3) “LAAM” means levoalphacetylmethadol as specified in  
8 paragraph (10) of subdivision (c) of Section 11055 of the Health  
9 and Safety Code.

10 (4) “Professional person” means a physician and surgeon,  
11 registered nurse, psychologist, clinical social worker, marriage  
12 and family therapist, marriage and family therapist registered intern  
13 when appropriately employed and supervised pursuant to  
14 ~~subdivision (f) of Section 4980.40~~ 4980.43 of the Business and  
15 Professions Code, psychological assistant when appropriately  
16 employed and supervised pursuant to Section 2913 of the Business  
17 and Professions Code, or associate clinical social worker when  
18 appropriately employed and supervised pursuant to Section 4996.18  
19 of the Business and Professions Code.

20 (b) A minor who is 12 years of age or older may consent to  
21 medical care and counseling relating to the diagnosis and treatment  
22 of a drug- or alcohol-related problem.

23 (c) The treatment plan of a minor authorized by this section  
24 shall include the involvement of the minor’s parent or guardian,  
25 if appropriate, as determined by the professional person or  
26 treatment facility treating the minor. The professional person  
27 providing medical care or counseling to a minor shall state in the  
28 minor’s treatment record whether and when the professional person  
29 attempted to contact the minor’s parent or guardian, and whether  
30 the attempt to contact the parent or guardian was successful or  
31 unsuccessful, or the reason why, in the opinion of the professional  
32 person, it would not be appropriate to contact the minor’s parent  
33 or guardian.

34 (d) The minor’s parent or guardian is not liable for payment for  
35 any care provided to a minor pursuant to this section, except that  
36 if the minor’s parent or guardian participates in a counseling  
37 program pursuant to this section, the parent or guardian is liable  
38 for the cost of the services provided to the minor and the parent  
39 or guardian.

1 (e) This section does not authorize a minor to receive  
2 replacement narcotic abuse treatment, in a program licensed  
3 pursuant to Article 3 (commencing with Section 11875) of Chapter  
4 1 of Part 3 of Division 10.5 of the Health and Safety Code, without  
5 the consent of the minor's parent or guardian.

6 (f) It is the intent of the Legislature that the state shall respect  
7 the right of a parent or legal guardian to seek medical care and  
8 counseling for a drug- or alcohol-related problem of a minor child  
9 when the child does not consent to the medical care and counseling,  
10 and nothing in this section shall be construed to restrict or eliminate  
11 this right.

12 (g) Notwithstanding any other provision of law, in cases where  
13 a parent or legal guardian has sought the medical care and  
14 counseling for a drug- or alcohol-related problem of a minor child,  
15 the physician shall disclose medical information concerning the  
16 care to the minor's parent or legal guardian upon his or her request,  
17 even if the minor child does not consent to disclosure, without  
18 liability for the disclosure.

19 SEC. 24. Section 1277 of the Health and Safety Code is  
20 amended to read:

21 1277. (a) No license shall be issued by the state department  
22 unless it finds that the premises, the management, the bylaws, rules  
23 and regulations, the equipment, the staffing, both professional and  
24 nonprofessional, and the standards of care and services are adequate  
25 and appropriate, and that the health facility is operated in the  
26 manner required by this chapter and by the rules and regulations  
27 adopted hereunder.

28 (b) Notwithstanding any provision of Part 2 (commencing with  
29 Section 5600) of Division 5 of, or Division 7 (commencing with  
30 Section 7100) of, the Welfare and Institutions Code or any other  
31 law to the contrary, except Sections 2072 and 2073 of the Business  
32 and Professions Code, the licensure requirements for professional  
33 personnel, including, but not limited to, physicians and surgeons,  
34 dentists, podiatrists, psychologists, marriage and family therapists,  
35 pharmacists, registered nurses, and clinical social workers in the  
36 state and other governmental health facilities licensed by the state  
37 department shall not be less than for those professional personnel  
38 in health facilities under private ownership. Persons employed as  
39 psychologists and clinical social workers, while continuing in their  
40 employment in the same class as of January 1, 1979, in the same

1 state or other governmental health facility licensed by the state  
2 department, including those persons on authorized leave, but not  
3 including intermittent personnel, shall be exempt from the  
4 requirements of this subdivision. Additionally, the requirements  
5 of this subdivision may be waived by the state department solely  
6 for persons in the professions of psychology, marriage and family  
7 therapy or clinical social work who are gaining qualifying  
8 experience for licensure in such profession in this state. A waiver  
9 granted pursuant to this subdivision shall not exceed three years  
10 from the date the employment commences in this state in the case  
11 of psychologists, or four years from commencement of the  
12 employment in this state in the case of marriage and family  
13 therapists and clinical social workers, at which time licensure shall  
14 have been obtained or the employment shall be terminated except  
15 that an extension of a waiver of licensure for marriage and family  
16 therapists and clinical social workers may be granted for one  
17 additional year, based on extenuating circumstances determined  
18 by the department pursuant to subdivision (e). For persons  
19 employed as psychologists, clinical social workers, or marriage  
20 and family therapists less than full time, an extension of a waiver  
21 of licensure may be granted for additional years proportional to  
22 the extent of part-time employment, as long as the person is  
23 employed without interruption in service, but in no case shall the  
24 waiver of licensure exceed six years in the case of clinical social  
25 workers and marriage and family therapists or five years in the  
26 case of psychologists. However, this durational limitation upon  
27 waivers shall not apply to active candidates for a doctoral degree  
28 in social work, social welfare, or social science, who are enrolled  
29 at an accredited university, college, or professional school, but  
30 these limitations shall apply following completion of this training.  
31 Additionally, this durational limitation upon waivers shall not  
32 apply to active candidates for a doctoral degree in marriage and  
33 family therapy who are enrolled at a school, college, or university,  
34 specified in subdivision ~~(a) (b)~~ of Section ~~4980.40~~ of 4980.36 of,  
35 *or subdivision (b) of Section 4980.37 of*, the Business and  
36 Professions Code, but the limitations shall apply following  
37 completion of the training. A waiver pursuant to this subdivision  
38 shall be granted only to the extent necessary to qualify for  
39 licensure, except that personnel recruited for employment from  
40 outside this state and whose experience is sufficient to gain

1 admission to a licensing examination shall nevertheless have one  
2 year from the date of their employment in California to become  
3 licensed, at which time licensure shall have been obtained or the  
4 employment shall be terminated, provided that the employee shall  
5 take the licensure examination at the earliest possible date after  
6 the date of his or her employment, and if the employee does not  
7 pass the examination at that time, he or she shall have a second  
8 opportunity to pass the next possible examination, subject to the  
9 one-year limit for marriage and family therapists and clinical social  
10 workers, and subject to a two-year limit for psychologists.

11 (c) A special permit shall be issued by the state department  
12 when it finds that the staff, both professional and nonprofessional,  
13 and the standards of care and services are adequate and appropriate,  
14 and that the special services unit is operated in the manner required  
15 in this chapter and by the rules and regulations adopted hereunder.

16 (d) The state department shall apply the same standards to state  
17 and other governmental health facilities that it licenses as it applies  
18 to health facilities in private ownership, including standards  
19 specifying the level of training and supervision of all unlicensed  
20 practitioners. Except for psychologists, the department may grant  
21 an extension of a waiver of licensure for personnel recruited from  
22 outside this state for one additional year, based upon extenuating  
23 circumstances as determined by the department pursuant to  
24 subdivision (e).

25 (e) The department shall grant a request for an extension of a  
26 waiver based on extenuating circumstances, pursuant to  
27 subdivisions (b) and (d), if any of the following circumstances  
28 exist:

29 (1) The person requesting the extension has experienced a  
30 recent catastrophic event which may impair the person's ability  
31 to qualify for and pass the license examination. Those events may  
32 include, but are not limited to, significant hardship caused by a  
33 natural disaster, serious and prolonged illness of the person, serious  
34 and prolonged illness or death of a child, spouse, or parent, or other  
35 stressful circumstances.

36 (2) The person requesting the extension has difficulty speaking  
37 or writing the English language, or other cultural and ethnic factors  
38 exist which substantially impair the person's ability to qualify for  
39 and pass the license examination.

1 (3) The person requesting the extension has experienced other  
2 personal hardship which the department, in its discretion,  
3 determines to warrant the extension.

4 SEC. 25. Section 123115 of the Health and Safety Code is  
5 amended to read:

6 123115. (a) The representative of a minor shall not be entitled  
7 to inspect or obtain copies of the minor's patient records in either  
8 of the following circumstances:

9 (1) With respect to which the minor has a right of inspection  
10 under Section 123110.

11 (2) Where the health care provider determines that access to the  
12 patient records requested by the representative would have a  
13 detrimental effect on the provider's professional relationship with  
14 the minor patient or the minor's physical safety or psychological  
15 well-being. The decision of the health care provider as to whether  
16 or not a minor's records are available for inspection or copying  
17 under this section shall not attach any liability to the provider,  
18 unless the decision is found to be in bad faith.

19 (b) When a health care provider determines there is a substantial  
20 risk of significant adverse or detrimental consequences to a patient  
21 in seeing or receiving a copy of mental health records requested  
22 by the patient, the provider may decline to permit inspection or  
23 provide copies of the records to the patient, subject to the following  
24 conditions:

25 (1) The health care provider shall make a written record, to be  
26 included with the mental health records requested, noting the date  
27 of the request and explaining the health care provider's reason for  
28 refusing to permit inspection or provide copies of the records,  
29 including a description of the specific adverse or detrimental  
30 consequences to the patient that the provider anticipates would  
31 occur if inspection or copying were permitted.

32 (2) The health care provider shall permit inspection by, or  
33 provide copies of the mental health records to, a licensed physician  
34 and surgeon, licensed psychologist, licensed marriage and family  
35 therapist, or licensed clinical social worker, designated by request  
36 of the patient. Any marriage and family therapist registered intern,  
37 as defined in Chapter 13 (commencing with Section 4980) of  
38 Division 2 of the Business and Professions Code, may not inspect  
39 the patient's mental health records or obtain copies thereof, except  
40 pursuant to the direction or supervision of a licensed professional

1 specified in subdivision ~~(f)~~ (g) of Section ~~4980.40~~ 4980.03 of the  
2 Business and Professions Code. Prior to providing copies of mental  
3 health records to a marriage and family therapist registered intern,  
4 a receipt for those records shall be signed by the supervising  
5 licensed professional. The licensed physician and surgeon, licensed  
6 psychologist, licensed marriage and family therapist, licensed  
7 clinical social worker, or marriage and family therapist registered  
8 intern to whom the records are provided for inspection or copying  
9 shall not permit inspection or copying by the patient.

10 (3) The health care provider shall inform the patient of the  
11 provider's refusal to permit him or her to inspect or obtain copies  
12 of the requested records, and inform the patient of the right to  
13 require the provider to permit inspection by, or provide copies to,  
14 a licensed physician and surgeon, licensed psychologist, licensed  
15 marriage and family therapist, or licensed clinical social worker,  
16 designated by written authorization of the patient.

17 (4) The health care provider shall indicate in the mental health  
18 records of the patient whether the request was made under  
19 paragraph (2).